

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

TELECOMMUNICATION SYSTEMS, INC.,

Plaintiff,

v.

LYNNE HOUSERMAN and MOTOROLA  
SOLUTIONS, INC.,

Defendants.

LYNNE HOUSERMAN,

Plaintiff,

v.

COMTECH TELECOMMUNICATIONS  
CORPORATION, FRED KORNBERG, AND  
MICHAEL D. PORCELAIN,

Defendants.

**CONSOLIDATED UNDER:  
NO. 2:19-CV-00644-RAJ**

NO. 2:19-CV-00336-RAJ

NO. 2:19-CV-00644-RAJ

**COMTECH  
TELECOMMUNICATIONS CORP.,  
TELECOMMUNICATIONS  
SYSTEMS, INC., FRED KORNBERG,  
AND MICHAEL D. PORCELAIN  
SUBMISSION IN SUPPORT OF  
TELEPHONIC MOTION FOR  
CONTINUANCE OF TRIAL**

NOTE ON MOTION CALENDAR:  
Tuesday, March, 9, 2021

**ORAL ARGUMENT REQUESTED**

Pursuant to the Court's Zoom conference held on March 8, 2021 and ahead of the conference scheduled for March 9, 2021, Comtech Telecommunications Corp., TeleCommunication Systems, Inc., Fred Kornberg, and Michael D. Porcelain (collectively, the "Comtech Parties") in the above-captioned consolidated cases, submit the Declaration of Harris Fischman, which attaches the March 7, 2021 Declaration of Fred Kornberg, as well as materials received from Mr. Kornberg's medical providers and health insurance provider over the last twenty-four hours, which have been filed under seal pursuant to the Court's docket order (Dkt. 191).

In support of the Comtech Parties' telephonic motion for a continuance of trial, the Comtech Parties also sought to obtain official medical records from Mr. Kornberg's medical provider, Dr. John Morrison, who is affiliated with the healthcare system Northwell Health. Mr. Kornberg was advised by his medical provider's office manager that Dr. Morrison does not participate in Northwell Health's online patient portal system that would permit Mr. Kornberg to access certain medical records online. The office manager advised that any medical records request must be processed through Northwell Health's third-party medical records processor, Verisma.

A Verisma representative informed the Comtech Parties that Verisma's typical processing time for a medical records request is over two weeks after a HIPAA release form is submitted. Mr. Kornberg has submitted the requested HIPAA release in order to obtain the medical records for the Court's review.

Finally, the Comtech Parties wish to reiterate that their request for the continuance of the trial is due to Mr. Kornberg's symptoms that will make it extremely difficult for him to prepare for trial and to participate in trial: his pain, dizziness, and inability to focus as a result of his medical conditions. Their request for a continuance is not based on a concern over how Mr. Kornberg may visually appear to a jury during trial.

1 DATED: March 9, 2021.

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*Attorneys for TeleCommunication Systems, Inc.,  
Comtech Telecommunications Corp., Fred  
Kornberg, and Michael D. Porcelain*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on March 9, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 9<sup>th</sup> day of March, 2021 at Seattle, Washington.



Nate Garberich